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TEXAS INSTRUMENTS INCORPORATED
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MAY 04 2005

In re Application of:	:	
Albert G. Cabintos	:	<i>SUA SPONTE</i>
Serial No.: 10/001,386	:	DECISION WITHDRAWING HOLDING
Filed: October 25, 2001	:	OF ABANDONMENT
Attorney Docket No.: TI-30736	:	

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely pay the issue fee in response to the Notice of Allowance and Issue Fee Due mailed on December 08, 2003. A Notice of Abandonment was mailed on July 23, 2004.

M.P.E.P. 707.13 states in part:


Letters are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. The examiner should use every reasonable means to ascertain the correct address and forward the letter again, after stamping it "remailed" with the date thereof and redirecting it if there be any reason to believe that the letter would reach applicant at such new address. If the Office letter was addressed to an attorney, a letter may be written to the inventor or assignee informing him or her of the returned letter. The period running against the application begins with the date of remailing. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

A review of the record shows that a Notice of Allowability and Notice of Allowance and Issue Fee Due, which set a three-month period for payment of the issue fee, was mailed on July 01, 2003, and returned by the United States Postal Service to the United States Patent and Trademark Office. The Office attempted to re-mail the Notices on December 08, 2003; however, it does not appear that any attempt to ascertain the correct address was made, and the Notices were re-mailed to the same previous address. Accordingly, the Notices were not re-mailed pursuant to M.P.E.P. § 707.13.

For the above stated reasons, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for remailing the Notice of Allowance and Issue Fee Due and the Notice of Allowability. The statutory periods for response set therein will be reset to run three months from the date the Notices are remailed. Extensions of time for these statutory periods are not available. See 37 C.F.R. § 1.136(c) effective November 07, 2000.

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